

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action No. 1:17-cv-02989-AT

DONNA CURLING, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, et al.,

Defendants.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

ALEX ANDREW CRUCE

DATE: November 22, 2022

TIME: 10:03 a.m. to 3:49 p.m. CDT

LOCATION: Witness location

REPORTED BY: Felicia A. Newland, CSR

Veritext Legal Solutions

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Washington, D.C. 20005

C O N T E N T S

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*(Exhibits attached to transcript.)

* * * * *

Whereupon,

ALEX ANDREW CRUCE

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR COALITION PLAINTIFFS

BY MR. BROWN:

Q Good morning, Mr. Cruce. My name is Bruce Brown, and I represent the Coalition Plaintiffs in this case.

I'm going to be asking you some questions. The court reporter needs to take down my question and your answer, so it's important that I don't interrupt you and you don't interrupt me.

If you ever need any breaks at all, just raise your hand or -- or say so and we'll take a break. That will be fine.

Please state your full name for the record.

A Alexander Cruce.

Q And where are you now physically?

A I'm in Jacksonville at my home.

1 voter registration list from the Secretary of State
2 statewide, so . . .

3 Q And who did -- did you work with
4 other individuals with respect to that information?

5 A At times, yes.

6 Q And when did you first meet or speak
7 with Scott Hall?

8 A November 4th.

9 Q 2020?

10 A Yes.

11 Q And how did you communicate with
12 Mr. Hall?

13 What was the occasion for
14 communicating with him?

15 A I was connected with him regarding
16 just elections and his interest in the election
17 itself.

18 Q Who put you into contact with
19 Mr. Hall?

20 A It's a lady named Amber Conner.

21 Q And who is she?

22 A Just a neighbor in Buckhead.

1 from on January 7th?

2 A No.

3 Q Who is Will P. at Defending the
4 Republic? Do you know him?

5 A I'm sorry. Could you repeat that?

6 Q Are you familiar with a person who
7 identifies himself as Will, and then the initial P,
8 at Defending the Republic?

9 A I don't know him.

10 Q It doesn't ring a bell?

11 A No.

12 Q But you know the organization
13 Defending the Republic, correct?

14 A I'm not real big into the media. I
15 don't really know.

16 Q Okay. But are you familiar -- did
17 you know that that was Sidney Powell's
18 organization?

19 A Not until now.

20 Q And I believe you testified that
21 David Cross of Georgia would meet with you and
22 others via video. Did you ever communicate with

1 David Cross about Coffee County?

2 A Yes.

3 Q And tell me about that; when, where,
4 and what about.

5 A He wanted -- he wanted the log file
6 from Coffee County.

7 Q And when did he want that?

8 A Sometime this year.

9 Q And is he a lawyer or what -- what --
10 what did he want it for, if you know?

11 It's a compound question, but do you
12 know what he wanted it for?

13 A I don't know.

14 Q Was he just sort of poking around or
15 was he going to use it for some lawsuit or
16 something?

17 A I'm not sure.

18 Q Did you give him the log file?

19 A I don't recall if I did or not.

20 Q But that would be reflected in
21 e-mails, I guess, probably?

22 A It should be, but I'm not sure.

1 Q And when did he make this request?

2 And when might you have given him the log files?

3 A I'm not sure.

4 Q Do you know what the log files were
5 from? Like what device or computer?

6 A No. They were sent to me by Scott
7 Hall.

8 Q So Scott Hall sent you the log files
9 and then you sent the log files on to David Cross?

10 A I'm not sure if I did that or not.

11 Q And who did you -- do you recall
12 sending the log files to anyone else?

13 A I don't recall.

14 Q Do you know how -- how Scott Hall got
15 the log files?

16 A From e-mail with Misty.

17 MR. BROWN: Let me mark for
18 exhibit -- well, just for the record, if we could
19 mark as Exhibit 1, Tab 1, which is the subpoena for
20 documents. And then I'm going to mark as
21 Exhibit 2, Tab 6.

22

1 A Yes.

2 Q Okay. I'll come back to that in a
3 second. Let's look at Exhibit 2.

4 A Okay.

5 Q And is Exhibit 2 a January 7 e-mail
6 from Scott Hall to you?

7 A Yes.

8 Q And he's forwarding an e-mail from
9 Misty Martin, correct?

10 A Correct.

11 Q And she's also known as Misty
12 Hampton. Is that your understanding?

13 A I don't know.

14 Q She's the elections director of --
15 she was the election director in Coffee County,
16 right?

17 A I believe so, yes.

18 Q And what are the files that she sent
19 to Scott Hall and that Scott Hall sent to you?

20 A Well, the ICC log and SLOG. I
21 downloaded them into a notepad, so a bunch of
22 numbers and dates, sequences.

1 Q Is it --

2 A I'm not sure where she actually
3 downloaded it from.

4 Q Did you have an understanding when
5 you got this what those files were or what they
6 were for?

7 A Not really, no.

8 Q Well, you know what the ICC -- what
9 the ICC is, right?

10 A I do know that, yes.

11 Q And what is it?

12 A Let's see --

13 Q It's the big scanner?

14 A I'm trying to remember the acronym,
15 but I -- I believe it's scanner for absentee by
16 mail ballots.

17 Q Is it -- it's the large scanner in
18 the computer that's in the election office,
19 correct?

20 A I'm not certain of that.

21 Q And then what -- do you know what log
22 it was from that device?

1 A Not really.

2 Q What about the SLOG, does that
3 typically -- what does that stand for in your line
4 of work?

5 A In my line of work?

6 Q Yeah. In -- what does that mean?

7 A What does my line of work mean?

8 Q No, what does SLOG mean.

9 A I'm not sure.

10 Q You don't know?

11 A Not really, no.

12 Q But then you -- without knowing what
13 these documents were, you sent them to David Cross?

14 A I'm not sure that I sent them to
15 David Cross.

16 Q Okay. He asked you for them. Is
17 that correct?

18 A Yes.

19 Q And you don't recall whether you sent
20 them to him or not. Is that fair to say?

21 A Yes.

22 Q And do you know the purpose of these

1 logs or what they do or what they show?

2 A Just by looking at them, it looks
3 like a history of what the machines did during the
4 election as far as when they scan the votes. I'm
5 not certain of that but just a description.

6 Q So it's a computer-generated log of
7 what the computer did during the election?

8 A I guess. I don't know.

9 Q And then we were -- the topic was
10 your communications with David Cross. And we
11 talked about the logs and we talked about the
12 videos, the video meetings. What other
13 communications or meetings did you have with David
14 Cross?

15 A As far as meeting in person or like
16 video meetings?

17 Q Well, yeah, meetings in person, we'll
18 start with that.

19 A So I know he works in money
20 management, and when I left the Cheeley Law Firm, I
21 rolled my IRA into an account with him. Strictly
22 business. So we met with that. I never met with

1 him in person, I don't believe. I don't recall if
2 we met in person.

3 Q Okay. And did you have other
4 communications with David Cross about elections,
5 not about your -- your 401(k) or your IRA?

6 A Yes.

7 Q And tell me about those.

8 A Well, in 2020, there was a lot of
9 hype around the anomaly from the Edison data, it's
10 like a feed to The New York Times. And he was --
11 he was -- he was all about that and I was not, so I
12 was in meetings where they talked about this, but I
13 wasn't very attentive.

14 Q Okay. Other than the Edison data,
15 what other communications did you have with David
16 Cross, if you recall?

17 A Is my video frozen?

18 Q It is.

19 Can you hear me?

20 A I can hear you.

21 Can you hear me?

22 Q Yeah, but let's just wait until your

1 bell.

2 Q Mr. Freemyer is with
3 SullivanStrickler. Does that help you remember one
4 way or the other?

5 A And who is SullivanStrickler again?

6 Q Greg Freemyer, he works for
7 SullivanStrickler.

8 A SullivanStrickler is?

9 Q SullivanStrickler is the company that
10 hired the people, Maggio and others, to go down to
11 Coffee County the day you were there.

12 A Oh, okay.

13 Q Freemyer -- Freemyer, we don't think
14 Freemyer was there, so I don't want to mislead you
15 on that, but he does appear on communications
16 relating to Coffee County. And what I wanted to
17 know is whether you recall having any meetings or
18 communications with Greg Freemyer.

19 A No.

20 Q What about Cathy Latham, did you ever
21 meet or have communications with Cathy Latham?

22 A So I met her down in Coffee County.

1 That was the first time I met her. And soon
2 thereafter, because I was looking for a GOP
3 database, voter information, and she said that she
4 could -- she could try to work something out. And
5 that never came to fruition, and that's the only
6 thing that I had ever talked to her about.

7 Q So the two occasions were actually --
8 and I'll come back to this, but actually in person
9 in Coffee County, right --

10 A Yes.

11 Q -- on January 7th?

12 And then thereafter, you reached out
13 to her to get a GOP database, but that never panned
14 out.

15 A No.

16 Q Fair to say?

17 A Huh-uh.

18 Q Anything else with Cathy Latham?

19 A No.

20 Q In your -- prior to going to Coffee
21 County, do you recall discussions with anyone about
22 the need or desire to obtain a forensic copy of

1 Georgia's election equipment?

2 A I guess -- so are you -- like, the
3 need or the desire, what do you mean?

4 Q Any -- let me make it broader. Any
5 discussion about obtaining a forensic copy or a
6 copy of Georgia's election software?

7 A I think it was known that that would
8 be the only way to understand if the election, you
9 know, was valid or not, but as far as setting up
10 something to do that, no.

11 Q So who said or how was it discussed
12 that obtaining a copy of the election software was
13 the only way to figure out if the election was
14 correct or not?

15 A That was a broad discussion around
16 websites, people talking in meetings. It's -- it
17 would be the only way to ever know.

18 Q To ever know --

19 A Just a general -- it's a general
20 thought.

21 Q Right.

22 In other words, to determine if the

1 need to determine whether the election was fair?

2 A A plan for me or a plan -- what do
3 you mean?

4 Q I'll get to you, but a plan for
5 anybody.

6 A Anybody that I know?

7 Q Yeah.

8 A No.

9 Q Okay. What about -- are you -- were
10 you aware of --

11 A I wasn't -- I wasn't aware of it, no.

12 Q I mean, did you hear discussion about
13 it?

14 A No.

15 Q Okay. So before you went down to
16 Coffee County, you did not hear of any discussion
17 or any communications about the need to obtain a
18 copy of Georgia's election software so that you
19 could determine if it was a fair election?

20 A I don't recall, no.

21 Q Okay. Tell me about going to Coffee
22 County on January 7.

1 I take it that you already knew Scott

2 Hall, right?

3 A Correct.

4 Q And he knew that -- that you were --
5 you had a lot of expertise in data analytics,
6 correct?

7 A Correct.

8 Q And tell me -- so he called you to go
9 down there?

10 A If I recall correctly, yes.

11 Q And then that was the day before or a
12 couple of days before?

13 A It might have been late the night
14 before or early that morning. It was a very abrupt
15 invitation.

16 Q And -- and what did he say to you
17 when he -- I take it he asked if you would join
18 him. Is that right?

19 A I believe so. I can't remember -- I
20 can't remember if I -- yeah, I believe it was if I
21 would like to go.

22 Q And did you -- before you spoke with

1 Q And did he indicate to you in that
2 telephone conversation what he wanted you to do
3 other than accompany him?

4 A We talked about the fact that there
5 were things that -- a lot of things that I didn't
6 really know about the election system, not
7 necessarily the system, but the processes of an
8 election. So the idea was to go down and talk with
9 Misty and understand what her role is and what she
10 does on election night and how data is being
11 reported, because, again, I was focused mainly on
12 the data.

13 Q And at that time, did you know who
14 Misty Hampton was?

15 A Yes, I did.

16 Q How did you know who she was?

17 A Scott showed me videos of her prior
18 to that, kind of, you know, causing a scene. Yes,
19 I think at some point she was -- went semi viral or
20 viral or something with the system. She was very
21 outspoken, so . . .

22 Q And Mr. Hall had shown that to you or

1 you had at least seen it before you went down to
2 Coffee County. Is that right?

3 A I'm sorry. Could you repeat that?

4 Q So you -- when he called you, you
5 already knew about Misty Hampton and -- and Coffee
6 County, right?

7 A Yes.

8 Q Because you had seen the video and
9 the video had gone viral, right?

10 A Sure.

11 Q Okay. And then any -- did he rent a
12 plane or was it his own private plane or what?

13 A I'm not sure if it was his own or
14 not, but it was a -- it was a jet.

15 Q And was it just you -- was it just
16 you two and the pilots?

17 A Yes.

18 Q And where did you leave from, if you
19 recall?

20 A I can't remember the airport name,
21 but it's close -- it's a private airport in
22 Atlanta. I think it's Peachtree Dunwoody or

1 top of my head.

2 Q Who all was there when you got there?

3 A I don't really -- I can't really put
4 faces with names that long ago, but there were a
5 few people there, I think, that worked with Coffee
6 County Elections. When we got there, Misty was
7 there. I can't remember if Cathy was there yet or
8 not. I don't -- it's kind of hard to go back that
9 far. I'm not sure.

10 Q Well, let me -- let me do this, let
11 me mark as Exhibit 3 some of the still photos that
12 we have collected as Tab 5. It's going to be
13 Exhibit 3.

14 (Cruce Deposition Exhibit Number 3 marked
15 for identification.)

16 BY MR. BROWN:

17 Q Those may take a minute to load, but
18 if we could do that.

19 A All right. I have it up.

20 Q All right. Do you see Exhibit 3, the
21 first page? Do you see that?

22 A Yes.

1 Q And I believe all of these are going
2 to be dated January 7, 2021. Do you see the date
3 stamp on this photo?

4 A Yes.

5 Q And can you identify who is in this
6 photo?

7 A I can identify two of them.

8 Q Go ahead.

9 A One of them is myself.

10 Q Holding the water bottle in the right
11 hand, correct?

12 A Yes.

13 Q And then who is --

14 A And --

15 Q Go ahead. I'm sorry.

16 A The other is, I believe, Scott.

17 Q Scott is the gentleman to the right
18 of the lady who's holding the door open, correct?

19 A Correct.

20 Q And do you know who the lady is?

21 A I -- I don't recall.

22 Q Okay. If you would scroll down to

1 left hand in a baseball cap sitting at the table
2 with you to your right. Do you know who that is?

3 I can't hear you, Mr. Cruce. I don't
4 know if anyone else can.

5 A I'm thinking, just a second.

6 Q Okay.

7 A I don't recall his name.

8 Q Do you recall any of the people
9 representing to you that they were on the Board of
10 Elections?

11 A The Board of Elections? I don't -- I
12 don't recall them saying they were on the Board of
13 Elections, no.

14 Q Well, let me ask it this way, and let
15 you sort of tell your own story on this. You
16 understood -- did you understand that you had
17 permission to be in that office?

18 A Yeah, they opened the door.

19 Q Right.

20 And one of them was Misty Hampton,
21 was the elections director, right?

22 A She's the elections director.

1 Q And do you recall meeting anyone else
2 associated with Coffee County Elections who was
3 there?

4 A I believe so. I think there was more
5 people from Coffee County there.

6 Q And do you recall who they were, what
7 their position was, or what their name was?

8 A I don't remember their names.

9 Q Did you meet Eric Chaney? Does that
10 name ring a bell?

11 A I don't -- I believe -- I believe I
12 did. I'm not -- I'm not certain that I can recall
13 back that far, remembering their names.

14 Q Looking at this photograph -- looking
15 at the still of the video at 3:53, do you know who
16 the gentleman directly to your right is with the
17 baseball cap and shorts?

18 A I remember speaking to him briefly
19 about -- about the election and things of that
20 nature, but I don't remember his name.

21 Q Okay. Let's go to the next
22 photograph.

1 A All right.

2 Q I'm going to come back and get you to
3 testify about what you were doing when you were
4 there. I'm just trying to get sort of the layout
5 here.

6 A Okay.

7 Q Do you -- do you know the person
8 right to your right was Mr. Maggio? Did you know
9 that?

10 A At the time, I didn't know what firm
11 or what -- I believe he introduced himself, but I
12 don't believe I ever got his last name. I just
13 don't remember names and things.

14 Q Well, let's go to the next slide,
15 which is at 12:19.

16 A Uh-huh.

17 Q And is that you in that photograph?

18 A Yes.

19 Q And what are you standing on -- what
20 piece of equipment are you standing over?

21 A I believe that is -- it is the ICP
22 scanner, I believe.

1 Q That's the precinct scanner?

2 A Yes.

3 Q If you would go to the next
4 photograph at 12:32, and that's -- that's you
5 speaking to a gentleman with the sweater. Is that
6 right?

7 A Yes.

8 Q And sitting here, you don't recall
9 his name, right?

10 A Yes, I understand you've pointed out
11 his name, but at the time I didn't remember. I
12 don't remember.

13 Q Fair enough.

14 And then the next photograph is at
15 12:44 --

16 A Uh-huh.

17 Q -- and to the best of your
18 recollection, that's Misty Hampton speaking with
19 you?

20 A Yeah, I believe that is Misty. Yes.

21 Q And then if you look at the next
22 slide at 1:49, and that's you showing Misty Hampton

1 like that?

2 A I don't recall.

3 Q Do you recall Misty Hampton giving
4 you a thumb drive?

5 A Yes, I do believe she -- she did.

6 Q And do you recall what was on that
7 thumb drive?

8 A I'm sorry. I believe it was the ICC
9 and log and the SLOG file.

10 Q Anything else?

11 A I don't -- I don't think so, no.

12 Q And did you ask her for that data?

13 A I did not. I didn't understand what
14 the log files were.

15 Q And so she just gave that to you
16 without you asking for it?

17 A I'm not -- I'm not sure. She -- I
18 think she had the most information about it and she
19 wanted me to analyze it.

20 Q Okay. And did you analyze it?

21 A A little bit.

22 Q And those files are the files that

1 Q And do you have a copy of the
2 contents of that thumb drive that Misty gave you?

3 Or do you have the thumb drive still,
4 for that matter?

5 A I'm not -- I'm not sure.

6 Q Have you looked for it?

7 A I really had forgotten that I had
8 that. I could look for it.

9 Q If you would, that would be great.
10 We would appreciate it. We'll follow up on that.

11 Other than that thumb drive, did you
12 take anything else with you from Coffee County?

13 A I don't recall if I did.

14 Q Okay. Then you -- after leaving the
15 elections office, you came back to Atlanta. Is
16 that right?

17 A Yes.

18 Q And did you ever go back to the
19 Coffee County Elections -- did you ever go back to
20 Coffee County?

21 A No.

22 Q Okay.

1 Q And do you see where it says, "State
2 of Georgia Work"? Do you see that?

3 A Yes.

4 Q And it goes through forensic
5 collection, computer hard drives, Windows or Linux,
6 et cetera. Do you see that?

7 A Yes, I see a list of prices and --
8 yeah.

9 Q But you -- you were not aware that
10 SullivanStrickler had been engaged by your law firm
11 to do this work?

12 A No.

13 Q Okay. Well, just backing up, did
14 you -- did you gain an understanding when you were
15 there what the purpose of making the forensic
16 copies of the election equipment was?

17 A Could you be a little more specific?

18 Q Why were they copying the equipment?

19 A Why were they copying the equipment?

20 Q Why were they making a forensic copy
21 of the -- of everything there?

22 A I don't know what they were thinking.

1 Q I understand that, but you were
2 sitting there throughout the entire day watching
3 them do it and speaking with them. Did you gain an
4 understanding of what they were doing?

5 A They looked like they were copying
6 something. I mean --

7 Q Do you know -- do you know why they
8 were copying it?

9 A I mean, that's sort of a loaded
10 question. I don't know why they were doing it.

11 Q Well, you were there, too. Okay?

12 A Right. Right.

13 Q And -- and so it's fair for me to ask
14 you what you thought they were doing, and it's not
15 credible for you to have no idea of what they were
16 doing or why. Okay?

17 So you need to tell me the whole
18 truth and what you thought they were doing and why
19 they were doing it. And if -- I mean, you know
20 they weren't doing it to put malware in there,
21 right --

22 A I honestly --

1 that could have happened?

2 A I don't -- I don't really recall.

3 Q Do you recall generally?

4 A I mean, there were a few conspiracy
5 theories, but I didn't really pay attention too
6 much. I'm sure they talked about it, but I -- I
7 don't remember listening very well.

8 Q Other than that anomaly, were there
9 other system malfunctions or anomalies that you
10 discussed?

11 A She brought up the fact that
12 somebody, if I recall correctly, maybe her daughter
13 was able to get on Netflix with one of the poll
14 pads or something. And that's -- that's what I --
15 I think it was Netflix or something. She was able
16 to get on to an app and use Wi-Fi or something on
17 it.

18 Q Anything else other than the scanner
19 and the poll pads and Netflix that you recall
20 discussing about the functioning or malfunctioning
21 of the equipment?

22 A No. That's -- I think that's all I

1 can really remember.

2 Q And did you assist in any way in the
3 copying of any of the software?

4 A No.

5 Q Did you operate -- did you sort of
6 learn how to operate the equipment in any way?

7 A No. I looked over Misty's shoulder
8 while she showed me how to report to election
9 night. So that was during the process of when I
10 was learning, but I never -- never learned any of
11 the machines or anything, how they worked.

12 Q And did she show you any other
13 processes while you were there?

14 A She told me how they received and
15 sent out absentee by mail. I don't really remember
16 the exact instructions, but she gave me an
17 overrun -- overview of how that happened, how that
18 works.

19 Q Did you have discussions while you
20 were there with Cathy Latham?

21 A I'm sure, but just mostly about data
22 that I was seeing.

1 Q Mostly about what? I just didn't
2 hear you. I'm sorry.

3 A About the data analysis and work that
4 I had done in the previous months.

5 Q And was she there most of the time
6 you were there?

7 A I don't -- I don't recall.

8 Q And do you recall what her role was
9 there?

10 I mean, was she like an official from
11 Coffee County?

12 A I -- I can't really remember what she
13 was there for. I knew she worked -- she was
14 affiliated with the GOP, so she had some sort of
15 stature, but I don't really know what she was
16 representing.

17 Q Do you recall anybody being there who
18 you understood to be a representative of the Coffee
19 County Board of Elections?

20 A It's just I'm trying to understand
21 the titles. There were multiple people there from
22 Coffee County that were involved in the elections,

1 any document to anybody what you did in Coffee
2 County in January 2021?

3 A No, I don't think so.

4 Q Did you hear anything about any
5 efforts by the Trump Campaign to visit Coffee
6 County in December of 2020 to obtain information
7 for litigation relating to the election?

8 A No.

9 Q Did you hear anything to the effect
10 that the information that was being obtained or
11 copied while you were there was for any litigation,
12 whether it was election related or anything else?

13 A No.

14 Q Did Mr. Hall ever ask your assistance
15 in getting the data out of SullivanStrickler in any
16 way?

17 A No.

18 Q Did you ever communicate with Misty
19 Hampton after that January 7 visit?

20 A I don't -- I don't recall. It's
21 possible I asked her about certain processes or --
22 I believe I did get her to check a few names on a

1 voter roll from her end.

2 Q And why did you --

3 A And that would be --

4 Q Why did you need that information?

5 A I was just doing data and trying to

6 confirm whether people were actually people.

7 Q Whether they were genuine voters?

8 A Yes.

9 Q And who was that -- who were you
10 working for or with in that effort?

11 A It was just my own -- own research.

12 Q And when was that roughly?

13 A I can't remember. It was -- I
14 believe it was sometime after maybe February,
15 March, something like that.

16 Q This year?

17 A No. 2021.

18 Q Okay. Okay. I have some questions
19 about your -- your document production. Do you
20 still have responsive documents that you have not
21 had the time to produce?

22 A I've done as much due diligence as

1 don't know.

2 Q Okay. So did you ask him who might
3 have told him how he knew you had the files with
4 you?

5 A No. Honestly, I was trying to
6 just -- I was done about that time with all of
7 everything, of the elections.

8 Q Okay. And at the time, the only log
9 files you had with you were the Coffee County log
10 files, correct?

11 A Yeah.

12 Q Okay. So that was the only log files
13 you could have given him, even though he was asking
14 for log files in general, correct?

15 A From -- my understanding is that
16 election officials around the state of Georgia had
17 been handing over SLOG files. It was a lot that
18 actually were giving them to people. So I think he
19 was just trying to gather more from different
20 elections, so . . .

21 Q Okay. And the log files, you said
22 Scott sent you an e-mail containing, which is the

1 exhibits shown, the two log files, correct? The
2 SLOG and the other one, the ICC log, correct?

3 A Correct.

4 Q Okay. And did you open them? Did
5 you open the files?

6 A Yeah.

7 Q Okay. And did you know what was in
8 the files?

9 A Did I know what was in them?

10 Q Yes. When you opened the files, did
11 it -- it said -- it reads ICC log and SLOG. You
12 had to open it, correct, to know what was in the
13 files, correct?

14 A No. I mean, I didn't -- I just
15 opened them. I didn't really know what was already
16 in them. I didn't really know that until I opened
17 them.

18 Q Yes. So that was the question that I
19 was asking.

20 When you opened them, then you
21 realized what was in them, correct?

22 A Sure.

1 A And that's what Curling versus
2 Raffensperger -- that's what you all are trying to
3 get at, right?

4 Q Thank you for the answer.

5 And so the data, was that the same --
6 when you were -- okay. I'm going to go back.

7 You were at Coffee County on
8 January 7, correct?

9 A Correct.

10 Q And just jumping forward, when you
11 received -- Bruce asked you about a thumb drive,
12 which you received, and it contained the same log
13 files --

14 A I'm not -- I'm not sure I received
15 that, that thumb drive.

16 Q Okay. So could you have received it?

17 A I'm not going to go on speculation.

18 Q All right.

19 A I'm not sure.

20 Q Okay. So did you receive any of the
21 logs -- the same logs through Scott, did you
22 receive it through any other means?

1 A I'm not sure.

2 Q Okay. And when you were at the
3 Coffee County office, you met a lady called Cathy
4 Latham, right? Correct?

5 A Yes.

6 Q And did you speak with her?

7 A A little bit.

8 Q And what did you talk to her about
9 during your time at Coffee County?

10 A I don't know. I mean, it was
11 election stuff, but just kind of smalltalk.

12 Q The elections talk, could it have
13 been about the scanners? The ballots? The ICC?

14 A No, just the general election, what
15 happened, and what she had heard and things of that
16 nature. It was mostly -- it wasn't really about
17 machines.

18 Q And what did she tell you she --

19 A If I recall right. I mean, it was
20 such a long time ago. I mean, I don't remember
21 getting any substance where I would remember today,
22 so -- but it was just smalltalk.

1 Q So any discussion you might have had
2 with Cathy, you most likely don't remember. You
3 don't remember, is that what you're saying?

4 A I do remember talking to her, but,
5 you know, after that, I think that what came from
6 that discussion was that she had access to the GOP
7 database, and what she -- she was going to try to
8 get me access to that as well so I could just check
9 the voter rolls and she never did.

10 Q Okay. And did you speak with any
11 other person at the office -- at the Coffee County
12 office?

13 A Yeah. I spoke to close to probably
14 everybody there most likely. But, again, it was --
15 I had data that I had already done and I was
16 showing people. And, you know, it was a lot of
17 smalltalk, yeah, nothing -- nothing technical about
18 the machines other than descriptions.

19 Q So you did say Scott Hall invited you
20 over to the Coffee County, correct -- the office,
21 correct?

22 A Yeah.

1 knowledge about who and why and who it's coming
2 from and all that.

3 Q Okay. So I'm going to turn to
4 Exhibit 3, Tab 5, which I believe are the pictures.
5 So going to timestamp 1:49, I believe it's the
6 eighth picture on the file, the eighth one.

7 A I am only seeing seven.

8 Q So there's a 1:49, the timestamp.
9 Can you see it?

10 A What exhibit is that again?

11 Q Exhibit 3, Tab 5. Those are just the
12 pictures.

13 A Oh, okay. Gotcha. Gotcha. Uh-huh.
14 Okay.

15 Q So there's a timestamp of 1:49,
16 27 seconds. So do you see the lemon-colored boxes
17 on the table and on the floor, on the ground? Gray
18 and lemon boxes, lots of boxes on the --

19 A You're talking about the second
20 picture down?

21 Q No. The eighth, number eight on the
22 list. If you count one to eight, the eighth

1 picture.

2 A Okay. Give me one second. Let me
3 count.

4 Q I believe you have a lady you
5 identified as Misty?

6 A Six, seven, eight.

7 Yes, it's Misty. Yeah.

8 Q Okay. So you see the boxes, the
9 lemon boxes over there, lemon, gray, the boxes,
10 multiples of them?

11 A Yes.

12 Q Do you know what these are?

13 A I believe they're poll pad boxes.

14 Q Poll pad boxes.

15 And you see there's -- one of them is
16 opened, it's clearly opened?

17 A Yeah, that's what it looks like.

18 Q Did you or anyone in the office have
19 access to the poll pad?

20 Did you check it out? Did you take
21 it? Did you turn it on?

22 A I didn't touch them. If I did, it

1 the Secretary of State for \$250.

2 Q Okay. Thank you.

3 So also earlier you did say you were
4 there to learn how the process worked?

5 A Uh-huh.

6 Q And when you got to Coffee County,
7 did Scott ever talk to you about what he was there
8 to do at that time?

9 A I think it was known that people were
10 coming in to do whatever they were doing. I mean,
11 I -- you know, he said, "Do you want to come to
12 Coffee County? They're letting us in. You know,
13 people are going to be doing some work there."

14 So I don't really remember the exact
15 conversation, but all I knew is that the doors were
16 open, you know, nobody was breaking into anything.
17 It seemed quite welcoming. It's not like it was in
18 the dark and one person, you know, on the weekend
19 popped open the door or anything. It seemed very
20 inviting to me.

21 Q All right. So if you go to the same
22 exhibit, 3, Tab 5, I believe you have Cathy Latham

1 County on January 7th, 2021, other than what you've
2 already described for us?

3 A I noticed that the system said GEMS
4 on it, the GEMS room. And I asked her do they
5 still use that program and she said, no, that was
6 from the old election system. Because -- the
7 reason why I was interested was because Benny was a
8 guy who worked on elections in Kentucky, and he had
9 a video out showing Fraction Magic or something
10 like that, and it involved the GEMS program from
11 ES&S.

12 Q Okay. So you mentioned the GEMS
13 program. Did Misty mention to you what she
14 referred to in -- or discussions with her the GEMS
15 room at the Coffee County Election office?

16 A I'm sorry, do what? I'm sorry. So
17 can you repeat that?

18 Q Sure.

19 Let me ask it this way: Have you
20 ever heard of something called the GEMS room at an
21 election office -- at the Coffee County Election
22 office?

1 A That's what she described it as,
2 because I saw it on the door. You know, it said
3 "GEMS," and I asked about it. And she said that's
4 where they upload the election data.

5 Q Okay. So -- sorry, excuse me. I
6 didn't mean to cut you off.

7 A It's okay.

8 Q Okay. So did you go in the GEMS room
9 at any time during your visit at Coffee County on
10 January 7th?

11 A Yeah, I -- I did briefly to watch --
12 watch her show me how she would report out the
13 election night data. I believe that was the GEMS
14 room.

15 Q So she -- please, I'm sorry, excuse
16 me.

17 A I -- I -- I believe that was the GEMS
18 room. She showed me that. I'm not certain, but --
19 yes, it was the GEMS room. Yes.

20 Q Okay. And while you were in the GEMS
21 room, was Misty there with you at all times?

22 A Yes. Yep.

1 Garland being there. Excuse me. I'm pretty sure
2 Scott was there. I think there were like three
3 investigators or something. They were all like
4 retired police officers from New York.

5 Q And all of this meeting was about
6 trucks outside of the State Farm Arena?

7 A It started out there was a
8 presentation about the anomalies that were seen and
9 things. And then it quickly, I remember, getting
10 offtrack to, you know, looking up YouTube -- stuff
11 on YouTube and whatnot. And I checked out pretty
12 fast.

13 Q And where was this meeting?

14 A I forget where it was at. I don't --
15 I was -- I joined through Zoom, but --

16 Q Okay.

17 A -- they were meeting somewhere. I
18 can't remember where they were meeting.

19 Q Is that the only meeting you recall
20 with Giuliani's folks?

21 A Yeah.

22 Q Have you been contacted by the

1 Secretary of State relating to your trip to Coffee
2 County?

3 A No.

4 Q Have you been contacted by the State
5 Election Board about your trip to Coffee County?

6 A No.

7 Q Have you been contacted by the GBI
8 about your trip to Coffee County?

9 A Now, there was somebody that called
10 maybe last week or the week before that from the
11 GBI. I haven't returned their call as of yet.

12 Q And I take it you haven't been
13 contacted by the FBI, correct?

14 A No.

15 Q Or the January 6th Committee,
16 correct?

17 A No.

18 Q And the first you had heard from any
19 investigator from the State of Georgia was last
20 week. Is that fair to say?

21 A Well, there was also somebody from --
22 I talked to a DA investigator from Fulton County,

1 CERTIFICATE OF NOTARY PUBLIC

2 I, FELICIA A. NEWLAND, CSR, the officer before whom
3 the foregoing video-recorded deposition was taken,
4 do hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn
6 by me; that the testimony of said witness was taken
7 by me in stenotype and thereafter reduced to
8 typewriting under my direction; that said deposition
9 is a true record of the testimony given by said
10 witness; that I am neither counsel for, related to,
11 nor employed by any of the parties to the action in
12 which this deposition was taken; and, further, that
13 I am not a relative or employee of any counsel or
14 attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome
16 of this action.

17
18 

19
20 FELICIA A. NEWLAND, CSR

Notary Public

21 My commission expires:

22 September 15, 2024